

From: Jason F. Esteves
Sent: Saturday, September 14, 2019 8:39 PM
To: Carstarphen, Meria
Cc: roy@barneslawgroup.com; Board Members
Subject: Re: Policy BBBA violations and harassment during my duties

Meria,

In response to your Sept. 11 email, I am writing on behalf of myself as Board Chair and Eshe Collins as Vice-Chair of the Board. I will start by addressing the points in your email.

Words like "harassment" (in the subject of your email) and "hostile work environment" are very evocative terms and should not be used lightly. It is difficult for us to understand how two Board members attending a public "Media Roundtable," sitting in the back of the room, quietly taking notes, and later answering follow-up questions from media "is creating a hostile work environment and adding additional stress while [you are] responsible for focusing on my duties and commitment to kids." We all share in that commitment, but calling a one-hour press conference and making multiple media appearances to primarily discuss your contract, which has been privately addressed with you and publicly addressed at the Board meeting Monday, is taking significant time away from execution of your responsibilities to the District. We wholeheartedly reject the notion that their attendance was either "harassment" or "hostile." Emails like the one below only continue to incite division that can cause harm to the system.

According to the advisory sent to media on Tuesday, the briefing was not a "scheduled administrative meeting," as you state in your email, but labeled as a "Media Roundtable," which was open to the public and the media. Elected Board members are well within their rights to attend any public meeting related to the District, especially when that meeting takes place in our Board room. The meeting was livestreamed on AJC.com, then posted on YouTube and embedded in your blog shortly after the meeting. Coming to the meeting and listening to your remarks in real time is completely within the bounds of the elected duty of Board members.

As Board leadership, we cannot limit the free speech of elected Board members, especially when they are being asked, in most instances, to respond to your comments about their own positions on your contract extension. The policy you cite below allows me to be the spokesperson for the Board in my official capacity, but cannot legally limit comments by Board members in their individual capacity. Further, it is unfair and inaccurate for you to claim that "one board member has apparently started using language with the media such as 'firing for cause,' and 'neglect.'" Both of these phrases were in used response to questions from the media, and the Board member was actually defending you by clarifying that you WERE NOT fired for cause (because you have not been fired) and there was no claim of neglect.

Our norm, as a Board, is to speak with one voice after the meeting on Monday; unfortunately, however, instances like your Media Roundtable continue to push forward, in a very public way, a conversation on an issue that could have been amicably resolved in July. Your continued assertion that you were not aware of the Board's position prior to Monday is just not true. I notified you in July that there was not a majority support from the Board for an extension. Since that time, you have participated in multiple executive sessions with the Board, including two in the past 10 days, where again you were notified. In August, we asked you not to discuss your contract status publicly until the

Board could work with you on a transition plan. Despite that, you engaged in the type of public campaign that would not have been tolerated by you if it had been done by any other District employee. This effort is counterproductive to the efficient and effective function of the District.

Given that you have copied your attorney, Gov. Barnes, on your email, we will also take this opportunity to respond to a separate letter that Barnes sent to us on September 11, 2019. The first three pages of Barnes' letter address certain statements that I made during an interview with Rose Scott, together with lengthy quotations of portions of your Employment Contract. Omitted from the letter are your prior public statements about your contract that prompted the need for responses by the Vice-Chair and myself. In any event, it is not productive or necessary for us to engage in a "he said, she said" dialogue. What is relevant is this – and I want to be very clear on this point – the members of the Board have NOT made any disparaging remarks about you or any attempt to place you in a false light.

The Board remains committed to continuing a productive relationship with you for the remainder of the term of your Employment Contract, which expires on June 30, 2020, by its express terms. The Board will continue to comply with its contractual obligations. It is in everyone's best interests to work together collaboratively over the next nine months. As we have said many times before, we appreciate your efforts and ongoing commitment to leading the District.

The Board denies your request for payment of legal fees to hire Gov. Barnes. Barnes' letter does not indicate any dispute or question about the interpretation of the Employment Contract. While we deny your allegations about non-compliance with Sections 2(e) and 10 of the Contract (which are mutual obligations by both the Board and you), we do not have a disagreement about the meaning of those provisions. Barnes' unsolicited citation to two provisions of the Contract as a means of responding to my comments in an interview certainly do not unilaterally trigger the payment obligations under Section 20 of the Contract.

The District's staff will respond to Barnes' Open Records Act requests separately.

We welcome an opportunity to speak with you so that we can move forward in a positive, collaborative spirit, with the interests of the District's children remaining our top priority.

Enjoy the rest of your weekend.

Best,

Jason Esteves

On Sep 11, 2019, at 5:43 PM, Carstarphen, Meria <mjcarstarphen@atlanta.k12.ga.us> wrote:

Jason,

As part of my regular duties, I engage quarterly with media to talk about what's happening in the district. Today was one of those days. I want to bring to your attention that two Board members joined my scheduled administrative meeting without any notification and then conducted their own press conference to speak on the contract extension. Of alarming note, one board member has apparently started using language with the media such as "firing for cause," "neglect" and other terms which are absolutely going beyond a contract extension and is now triggering concerns for me regarding other parts of my contract.

I have not received any notice from you that Board members have requested to partake in my administrative meetings and duties whereas before you have noticed me such as the AJC Editorial Board

Meeting. Does this now mean that Board members can just show up anytime during my work day to observe, micromanage and monitor me (which they did), take notes (which they did) and report publicly (which they did) without any regard to my contract, evaluation process, board policy or employment rights? Are you directing them to do this? Is the Board as a whole agreeing to this? It is creating a hostile work environment and adding additional stress while I am responsible for focusing on my duties and commitment to kids. It is clear that the Board members' attendance is not about supporting the superintendent as outlined in my contract. Further, I have not received any notice from you that the Chair has delegated Cynthia or Michelle (or any other board member for that matter) as the spokesperson on this matter as outlined in Board policy BBBA. As a matter fact, it looks like numerous board members are violating the policy (sections below in yellow) and will continue to do so unless you hold them to our policy and my contract guidelines.

I am insisting on strict compliance with my employment contract and board policies as I have the obligation to perform as the superintendent until June 2020.

I have copied my attorney on this email.

Thank you for your leadership on this matter.

Regards,

Meria

For your information, here is the Board policy that speaks to media behavior.

Book

Board Policy Manual

Section

1. Governance & School Board Operations

Title

Board Statement of Values

Code

BBBA

Status

Active

Adopted

July 7, 2008

Last Revised

August 6, 2018

As a governing body, the Atlanta Board of Education advocates for public education and the best interests of all students in the Atlanta Public Schools (APS). We are ambassadors of the school system and partners in the hard work of the superintendent, administrators, teachers, staff, families, students, and other community stakeholders. We pledge to advance equity and ethics in every discussion, decision, and action, and to focus on what is best for all APS students. We endeavor never to prioritize personal or factional interests.

The board serves the students, schools, and the school system as a whole. We strive to create and model a culture of collaboration and innovation which fosters excellence and achievement for all students. We will make informed decisions based on data, research, and input from stakeholders. We will listen to all voices in APS. We acknowledge that we possess more wisdom collectively than individually, and that accountability and transparency are driving forces of our success. To enable the superintendent and APS employees to fulfill our expectations, we oversee the management of APS—we do not cross the line into micromanagement. We commit to making difficult decisions, even if they are unpopular, and to take risks when it is in the best interest of students. We will listen actively and consider all points of view. When conflicts arise, we agree to seek common ground and compromise.

Trust is a critical component in every aspect of our work. We place our trust in one another and in the superintendent to uphold our guiding principles of ethics and equity and to act in the best interest of our students. We commit to open and honest communication with one another, the superintendent and all stakeholders. We will treat one another, the superintendent, and all stakeholders with respect and courtesy. We will act with integrity and honesty. We will participate actively in making well-informed and thoughtful decisions.

We will model life-long learning and growth by being open to learning from one another, by engaging in professional development as a board and as individuals, by reflecting on our professional practice as board members on a regular basis, by giving and receiving feedback, and by holding one another accountable to our mutual norms of interaction as follows:

Board Member Relationships

- ? **We will operate cohesively with other board members in a spirit of harmony, cooperation, respect and trust.**
- ? **We will value diversity of culture, experience, and perspective.**
- ? **We will be clear about, and remain true to, the proper role of the board.**

We will respect and remain mindful of distinct roles within the school system, including but not limited to those of the school board, superintendent, administrators, teachers and staff. We will maintain a focus on policy governance, advice and consent, and not become involved in the day-to-day operations of the school system. In consultation with the superintendent, we will set high expectations for our students, and we will empower the superintendent to accomplish our mutual goals by supporting his/her decisions regarding personnel and other administrative actions. We will be mindful of the various roles we play as individuals (board member, citizen, parent, etc.) and conduct ourselves in role-appropriate ways, putting the interests of the district and our students before our personal and professional interests when making decisions on behalf of the district.

- ? **We will build trusting relationships.**

We will encourage open, honest, and inclusive dialogue. We will support one another in making difficult decisions and taking risks grounded in research and policy. We will develop a clear understanding of the risks and benefits of each action and sustain a climate of trust among ourselves and with the administration.

- ? **We will be on time and prepared for meetings.**

We will make every effort to be on time, fully prepared, and actively present for board meetings and activities. We will read all materials provided in preparation for all regularly scheduled board meetings and will take responsibility for learning about any information or action we miss.

Board Relationships with the Community and the Media

- ? **We will speak with one voice.**

We will hear each opinion, but ultimately act as one. We will speak candidly and courteously to one another and listen to dissenting or different viewpoints with an open mind. Even when our ideas conflict, we must treat one another with respect and professionalism and agree not to take disagreements personally. We will help one another to "depersonalize" disagreements. Once we reach a decision or compromise as a board, we will each support the decision in word and deed.

- ? **We will recognize and respect a single official "voice" of the board.**

The chair or the chair's designee will speak as the official and public "voice" of the board. The chair or the chair's designee will respond to any and all official and public inquiries and will provide all official statements and responses on behalf of the full board. Board members will direct all official requests, comments, and inquiries to the chair.

- ? **We will respect all individuals attending meetings or making presentations to the board.**

We will listen thoughtfully to each speaker and seek value in every comment. We will uphold the right of any individual to speak their mind. We will protect our students, employees, superintendent, and stakeholders by maintaining the dignity and decorum of the meeting and by taking action against anyone who speaks or acts in a demeaning, discriminatory, threatening or inappropriate manner. We will follow Robert's Rules of Order for all points of order in our meetings.

- ? **We will communicate positively about other board members, staff and the system.**

We will ensure that any communication about APS is helpful and not harmful.

- ? **We will maintain the confidentiality of privileged information, including but not limited to all statements or information revealed in any executive session of the board.**

Board Relationships with the Superintendent and Staff

- ? **We will support and build effective interpersonal relationships with the superintendent, working as a team to achieve the goals of APS.**

The board and individual members will maintain an appropriate and professional relationship with the superintendent and staff. The board recognizes the superintendent has the clear responsibility and authority to carry out its policies in an unencumbered manner. Once the board establishes policies, the superintendent shall be responsible for the manner in which s/he implements them. We will consistently respect the authority and expertise of the superintendent, supporting and empowering him/her as s/he leads and manages APS.

- ? **We will respect all APS administrators and staff.**

We will treat all personnel, administrators and staff respectfully, in words and actions, honoring their professional training and experience, feelings, opinions and thoughts.

- ? **We will foster and expect open communication with the superintendent.**

The board must be kept abreast of APS operations in order to fulfill its legal obligations. The board and superintendent believe that open communication between them is critical to the success of the district and its students. Accordingly, the superintendent should seek the advice and counsel of the board and its members. The superintendent shall report to the board at least monthly, in writing, on the management and policies of APS, together with such recommendations as s/he deems appropriate. Sometimes decisions may be made by the superintendent which may receive significant public attention. The superintendent shall inform the board promptly prior to announcing such decision. The superintendent shall notify the board as promptly as possible of any emergency situation which may occur in APS. All requests from a board member will be directed to the superintendent in writing. The superintendent will send a response to each member's request to the full board.

Last Revised: 8/6/2018

Revised: 3/8/2010, 6/20/2011, 8/12/2013, 9/8/2014

First Adopted: 7/7/2008

Policy Contact:

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See also:

Board Policy AA School District Legal Status (the statutory charter of the Atlanta Public Schools)

Board Policy BA Goals and Objectives

Board Policy BBBC Board Member Development Opportunities

Board Policy BBD Board-School Superintendent Relations

Board Policy BBE General Counsel

Board Policy BBF Advisory Committees
Board Policy BBFA Local School Councils
Board Policy BH Board Code of Ethics
Board Policy BH-E(1) Board Code of Ethics - Code of Ethics

Legal citations:

[O.C.G.A. 20-02-0049 Standards for local board of education members](#)
[O.C.G.A. 21-05-0050 Filing by public officers; filing by candidates for public office; filing by elected officials and members of the General Assembly; electronic filing](#)
[O.C.G.A. 20-02-0104 Superintendent's bonds.](#)
[O.C.G.A. 20-02-1160 LBOE tribunal power to determine local school controversies; appeals; special ed provisions](#)
[O.C.G.A. 20-02-0210 Annual performance evaluation of all school personnel](#)
[O.C.G.A. 20-02-0390 Power of county boards](#)
[O.C.G.A. 20-02-0430 Issuance and retirement of county schoolhouse bonds](#)
[O.C.G.A. 20-02-0050 County school districts; county board for each county](#)
[O.C.G.A. 20-02-0520 Acquiring/disposing of school sites; building, repairing, renting, and furnishing school houses](#)
[O.C.G.A. 20-02-0057 Organization of LBOEs; chairperson and secretary; quorum; record of proceedings](#)
[O.C.G.A. 20-02-0059 LBOE rule-making authority](#)
[O.C.G.A. 20-02-0750 Public School Disciplinary Tribunal Act - short title](#)
[O.C.G.A. 20-02-0940 Grounds/procedure for terminating or suspending contract of employment \(Fair Dismissal law\)](#)
[O.C.G.A. 21-05-0034 Campaign Disclosure Reports](#)

Rule 160-5-1-.36 Local School Board Governance

Keywords:

statement of values, norms, norms of interaction, board, board of education, ethics, duties, core values, beliefs, commitments, role of board, governance, behavior, communication

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